IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
CRIMINAL APPLICATION NO.3635 OF 2005

Vinod Baid ...Applicant

vs.

Vincy J. Wadia ...Respondent

Mr.B.G.Tangsali for the applicant
Ms Rajashree Gadhvi,A.P.P. for State

CORAM: A.S.OKA,J.
DATE : JULY 7,2005.

P.C.:

. Leave to amend.

1. Office noting shows that the Respondent No.1 is served with the notice and Affidavit of service has been filed. Heard learned Advocate for the Applicant and learned A.P.P. for Respondent No.2-State. The Respondent No.1 is the complainant in a complaint under Section 138 of Negotiable Instruments Act, 1881. The Applicant is the accused. On 4th June 2005 the complaint was fixed before the learned Magistrate. As the Applicant failed to appear before the learned Magistrate, he directed that non-bailable warrant should be issued against the Applicant and the complaint was adjourned for service of warrant to 16th August 2005. The challenge in this Petition under Section 482 of the Code of Criminal Procedure, 1973 is to the order dated 4th June 2005.

2. The learned Advocate for the Petitioner stated that on the next date the Applicant will appear before the learned

Magistrate and will apply for cancellation of non-bailable warrant ordered to be issued against the Applicant. The statement is accepted. In view of this statement, the Application is disposed of by directing that the Applicant to appear before the learned Magistrate on the next date i.e. 16th August 2005 and to apply for cancellation of non-bailable warrant. If such application is made on that date, the learned Magistrate will decide the said application in accordance with law. To enable the Applicant to file the said application, ad-interim order which was passed earlier can be continued for a reasonable time.

3. Hence I pass the following order :

i) If the Applicant appears before the learned Magistrate on 16th August 2005 and if he makes an application for cancellation of non-bailable warrant, the said application shall be decided by the learned Magistrate in accordance with law and preferably within a period of four weeks from that date.

ii) Ad-interim order passed by this Court on 24th June 2005 will continue to operate till 16th August 2005. If the Applicant appears before the learned Magistrate on 16th August 2005 and makes an application for cancellation of non-bailable warrant, ad-interim order passed by this Court on 24th June 2005 will continue to operate for a period of four weeks from

that date.

iii) If the Applicant fails to appear before the learned Magistrate on 16th August 2005, impugned order dated 4th June 2005 will become enforceable.

iv) Application is disposed of in above terms.

. Parties and concerned Court to act upon an authenticated copy of this order.

JUDGE